

FREEDOM OF INFORMATION ACT RESPONSE

THE FOLLOWING ACTION IS BEING TAKEN IN RESPONSE TO YOUR REQUEST:

- ☐ **YOUR REQUEST HAS BEEN:** GRANTED DENIED DENIED IN PART

Note: If your request has been denied or denied in part, the basis for the denial is listed on reverse.

- ☒ The period for responding to your request is being extended by as many as ten (10) additional business days. Your request will be granted, denied, or denied in part by: July 22, 2020. This extension is necessary because:

- ☒ The City needs to search for, collect, or examine or review a voluminous amount of separate and distinct public records pursuant to your request.

- ☐ The City needs to search and collect the requested public records from numerous departments, facilities, or other locations separate from the City Clerk's office.

- ☐ Other: _____

- ☐ All/Some of the public records you have requested are available on the City's website at www.sterling-heights.net. Those records will not be provided unless you stipulate that you still wish to receive copies. Additional charges may apply for providing public records that are available on the website. Description: _____

- ☐ If a fee appeal has not been filed, the required deposit must be received by _____, which is 48 days after this notice was sent to you, which is _____, otherwise the FOIA request will be considered abandoned and the City is not required to fulfill the request.

- ☐ Pursuant to your written and/or verbal consent:

- ☐ Your request has been modified: _____
- ☐ You have agreed to pay the extra cost for single-sided copies.
- ☐ You have agreed to pay a pre-set fee to obtain records and/or information as a City service rather than utilize the FOIA process: \$ _____
- ☐ You have agreed to pay the extra cost for overtime.
- ☐ You have only requested an on-site inspection of public records.
Date/Time/Location of Inspection: _____
- ☐ You have agreed that the deadline for filling your request will be extended to: _____

Description of any public records being withheld or information on a public record that was redacted (if any):

Approved By: Melanie D. Ryska Dated: 7/8/2020

Under Section 10 of the Michigan Freedom of Information Act, a person receiving written denial of the information requested has the right to submit to the City Manager a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial, or to commence an action in circuit court to compel disclosure of the public record within 180 days after a final determination to deny the request. If, in a circuit court action, the court finds that some or all of the information withheld by a public body was not exempt from disclosure, the party requesting such information may receive the requested records and may receive reasonable attorney fees, costs, or an appropriate portion thereof, and may also receive actual, compensatory, and/or punitive damages if a denial or delay is deemed to have been an arbitrary and capricious violation of the Act.

Under Section 10A of the Michigan Freedom of Information Act, you have a separate right to appeal a fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines or Section 4 of the Act. You may submit a written appeal to the City Manager for a fee reduction or waiver that specifically states the word "appeal" and identifies how the fee exceeds the permitted amount. If you do not receive a response within 10 business days or your appeal is denied, you may then commence an action in the Macomb County Circuit Court for a fee reduction within 45 days. If you commence a civil action, the City is not obligated to complete processing the request until the court resolves the fee dispute. If you prevail by receiving a reduction of 50% or more of the total fee, the court may award you an appropriate portion of reasonable attorneys' fees, costs, and disbursements, as well as damages if the City arbitrarily and capriciously violated the Act.

The City's specific procedures and guidelines, as well as a written summary and the standard form for detailed itemization of FOIA response fees, may be viewed at <https://www.sterling-heights.net/452/City-Clerk>.

INTERNAL USE ONLY

Form of Request: ☐ City's Form ☐ U.S. Mail ☐ Facsimile ☐ E-Mail (Junk/Spam Folder? Yes No) ☐ Other: _____

Request Identifier and Date Received: shpd 6/30/2020 First Discovered in Junk/Spam Folder: ☐ n/a ☐ _____ by _____ (initials)

Date